

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Tuesday, March ____, 2013, at 6:00 p.m. in the Mastic Beach Fire Department Headquarters _____, Mastic Beach, New York, by the Village Board of the Incorporated Village of Mastic Beach **TO AMEND SECTION 178-6(E) OF CHAPTER 178 OF THE VILLAGE CODE TO DETAIL THE PENALTIES FOR VIOLATIONS OF A STOP WORK ORDER**, a copy of which proposed local law is on file at the Office of the Village Clerk.

At said Public Hearing any person interested will be given the opportunity to be heard.

Virgilia Gross
Village Clerk

Dated: February ____, 2013

**AMENDMENT OF SECTION 178-6(E) OF CHAPTER 178 OF THE VILLAGE CODE
TO DETAIL THE PENALTIES FOR VIOLATIONS OF A STOP WORK ORDER**

Be it enacted by the Village Board of the Incorporated Village of Mastic Beach:

The Code of the Incorporated Village of Mastic Beach, County of Suffolk, New York, is amended by:

Amending Section 178-6(E) of Chapter 178 of the Village Code which shall read as follows:

[New Language]

[Language to be Deleted]

§ 178-6 Stop-work orders.

E. ~~Remedy not exclusive~~ **Violations.**

(1) It shall be unlawful for any person to continue work or to permit work to be conducted at the premises while a stop-work order is in effect unless permitted in writing by the Building Inspector. Such permitted work shall be limited to securing the premises and/or work area as to property and as to health and safety issues.

(2) The failure to comply with the provisions of a stop-work order by an owner, lessee or contractor shall constitute a misdemeanor. The failure to comply with a stop-work order by a contractor or employee of the owner or lessee shall be presumed to have been at the direction or authority of the owner and/or lessee, and shall further be subject to a civil penalty against such owner and/or lessee in the amount of \$1,000 per day for each day that such stop-work order is violated. The Village Attorney is hereby authorized to initiate such proceedings as he deems necessary to enforce any stop-work order, or to recover such civil penalties as are warranted in the circumstances.

(3) The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 178-6(E)(2) above, § 178-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

This Local Law shall take effect immediately.

Aye Nay

___ ___ Mayor Biondi

___ ___ Trustee Bissonette

___ ___ Trustee Cappiello

Aye Nay

___ ___ Trustee Morrow

___ ___ Trustee Stiriz

Dated: March __, 2013

Virgilia C. Gross - Village Clerk

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~

~~City~~

of **The Incorporated Village of Mastic Beach**

~~Town~~

Village

Local Law No. ____ of the year 2013.

A LOCAL LAW OF THE VILLAGE OF MASTIC BEACH

The Amended Section 178-6(E) of Chapter 178 of the Village Code which shall read as follows:

§ 178-6 Stop-work orders.

E. Violations.

(1) It shall be unlawful for any person to continue work or to permit work to be conducted at the premises while a stop-work order is in effect unless permitted in writing by the Building Inspector. Such permitted work shall be limited to securing the premises and/or work area as to property and as to health and safety issues.

(2) The failure to comply with the provisions of a stop-work order by an owner, lessee or contractor shall constitute a misdemeanor. The failure to comply with a stop-work order by a contractor or employee of the owner or lessee shall be presumed to have been at the direction or authority of the owner and/or lessee, and shall further be subject to a civil penalty against such owner and/or lessee in the amount of \$1,000 per day for each day that such stop-work order is violated. The Village Attorney is hereby authorized to initiate such proceedings as he deems necessary to enforce any stop-work order, or to recover such civil penalties as are warranted in the circumstances.

(3) The issuance of a stop-work order shall not be the exclusive remedy available to address any event described in Subsection A of this section, and the authority to issue a stop-work order shall be in addition to, and not in substitution for or limitation of, the right and authority to pursue any other remedy or impose any other penalty under § 178-6(E)(2) above, § 178-15, Enforcement; penalties for offenses, of this chapter or under any other applicable local law or state law. Any such

other remedy or penalty may be pursued at any time, whether prior to, at the time of, or after the issuance of a stop-work order.

Effective Date:

This Local Law shall take effect immediately.

I hereby certify that the local law annexed hereto, designated as Local Law No. ____ of 2013 of the Incorporated Village of Mastic Beach was duly passed by the Village Board on _____ 2013 in accordance with applicable provisions of law.

Virgilia Gross - Village Clerk

Dated: _____, 2013

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

Dated: _____, 2013

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